

105TH CONGRESS
2D SESSION

S. 1679

To modify the conditions that must be met before certain alternative pay authorities may be exercised by the President with respect to Federal employees.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1998

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To modify the conditions that must be met before certain alternative pay authorities may be exercised by the President with respect to Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Employee Pay
5 Fairness Act of 1998”.

6 **SEC. 2. LIMITATION ON AUTHORITY TO PROVIDE FOR AN**
7 **ALTERNATIVE PAY PLAN.**

8 (a) IN GENERAL.—Paragraph (1) of section 5303(b)
9 of title 5, United States Code, is amended by striking “If,

1 because of national emergency or serious economic condi-
 2 tions affecting the general welfare,” and inserting “If, be-
 3 cause of a declared state of war or severe economic condi-
 4 tions,”.

5 (b) SEVERE ECONOMIC CONDITIONS DEFINED.—
 6 Section 5303(b) of title 5, United States Code, is amended
 7 by adding at the end the following:

8 “(4) For purposes of applying this subsection with
 9 respect to any pay adjustment that is to take effect in
 10 any calendar year, ‘severe economic conditions’ shall be
 11 considered to exist if, during the 12-month period ending
 12 2 calendar quarters before the date as of which such ad-
 13 justment is scheduled to take effect (as determined under
 14 subsection (a)), there occur 2 consecutive quarters of neg-
 15 ative growth in the real Gross Domestic Product.”.

16 (c) CONFORMING AMENDMENT.—Paragraph (2) of
 17 section 5303(b) of title 5, United States Code, is amended
 18 by striking “an economic condition affecting the general
 19 welfare under this subsection,” and inserting “economic
 20 conditions for purposes of this subsection,”.

21 **SEC. 3. LIMITATION ON AUTHORITY TO PROVIDE FOR AN**
 22 **ALTERNATIVE LEVEL OF COMPARABILITY**
 23 **PAYMENTS.**

24 (a) IN GENERAL.—Subsection (a) of section 5304a
 25 of title 5, United States Code, is amended by striking “If,

1 because of national emergency or serious economic condi-
 2 tions affecting the general welfare,” and inserting “If, be-
 3 cause of a declared state of war or severe economic condi-
 4 tions,”.

5 (b) SEVERE ECONOMIC CONDITIONS DEFINED.—
 6 Section 5304a of title 5, United States Code, is amended
 7 by redesignating subsection (b) as subsection (c) and by
 8 inserting after subsection (a) the following:

9 “(b) For purposes of applying this section with re-
 10 spect to any comparability payments that are to become
 11 payable in any calendar year, ‘severe economic conditions’
 12 shall be considered to exist if, during the 12-month period
 13 ending 2 calendar quarters before the date as of which
 14 such payments are scheduled to take effect (as determined
 15 under section 5304(d)(2)), there occur 2 consecutive quar-
 16 ters of negative growth in the real Gross Domestic Prod-
 17 uct.”.

18 **SEC. 4. EFFECTIVE DATE.**

19 (a) NEW STANDARDS APPLY STARTING WITH ANY
 20 ALTERNATIVE PAY PROPOSAL SCHEDULED TO TAKE EF-
 21 FECT AFTER 1998.—The amendments made by this Act
 22 shall apply with respect to any alternative pay adjust-
 23 ments under section 5303(b) of title 5, United States
 24 Code, and any alternative level of comparability payments

1 under section 5304a of such title 5, scheduled to take ef-
 2 fect after 1998.

3 (b) TRANSITION PROVISIONS.—

4 (1) REVISED DEADLINE FOR ALTERNATIVE PAY
 5 PLAN REQUIRED TO BE SUBMITTED IN 1998.—For
 6 purposes of applying section 5303 of title 5, United
 7 States Code, with respect to any adjustment sched-
 8 uled to take effect in calendar year 1999, subsection
 9 (b) of such section (as amended by section 2) shall
 10 be applied by substituting “December 1” for “Sep-
 11 tember 1” in paragraph (1)(A) thereof.

12 (2) EFFECT OF AN ALTERNATIVE PAY PRO-
 13 POSAL SUBMITTED BASED ON EARLIER STAND-
 14 ARDS.—Any plan or report submitted under the pro-
 15 visions of section 5303(b) or 5304a of title 5, United
 16 States Code, as applicable, relating to any alter-
 17 native pay adjustments or alternative level of com-
 18 parability payments proposed to take effect after
 19 1998, if based on the standards specified in such
 20 provisions as in effect before the date of enactment
 21 of this Act—

22 (A) shall not be implemented; and

1 (B) shall not preclude the submission of
2 any other plan or report under such provisions
3 as amended by this Act.

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